

05-12-2005 15:30

From: MARTIN & FERRAROLLP

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PATENT

Attorney Docket No. 101.0053-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 4993
Gary Karlin Michelson)
Serial No.: 10/047,545) Group Art Unit: 3764
Filed: January 16, 2002) Examiner: Michael Brown
For: THREADED FRUSTO-CONICAL)
INTERBODY SPINAL FUSION)
IMPLANTS)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated February 10, 2005, the period for reply having been extended for one month by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

05/13/2005 EABUBAK1 00000049 501066 10047545

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Amendment 5-12-05.doc

PAGE 4/35 * RCVD AT 5/12/2005 4:21:07 PM [Eastern Daylight Time] * SVR:USPTO-EXRF-1/4 * DNI:8729306 * CSID:3308772030 * DURATION (mm:ss):08:14

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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Art Unit 3764/Examiner Michael Brown

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/047,545

Gary Karlin Michelson

Filed: January 16, 2002

THREADED FRUSTO-CONICAL INTERBODY

SPINAL FUSION IMPLANTS

Attorney Docket No. 101.0053-01000

Customer No. 22882

Confirmation No.: 4993

FROM:

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800

No. of Pages (including this): 35

Date: May 12, 2005

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$300.00 total amount to cover the \$120 one-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066), Amendment, and Information Disclosure Statement and Form PTO-1449 with 1 document including translation are being facsimile transmitted to the U.S. Patent and Trademark Office on May 12, 2005.


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Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0053-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/047,545

Filed: January 16, 2002

For: THREADED FRUSTO-CONICAL
INTERBODY SPINAL FUSION IMPLANTS

Confirmation No.: 4993

Art Unit: 3764

Examiner: Michael Brown

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CENTRAL FAX CENTERMail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAY 12 2005

Dear Sir:

Transmitted herewith is a reply to the Office Action dated February 10, 2005 in the above-identified application.

No additional fee is required.

Applicant hereby requests a one-month extension of time to respond to the above office action.

An Information Disclosure Statement and Form PTO-1449 with 1 document including translation are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	40	-	70	--	LG=\$50 SM=\$25	\$50
INDEPENDENT CLAIMS FEE	2	-	3	--	LG=\$200 SM=\$100	\$200
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180
						TOTAL \$ 0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A check in the amount of \$____ to cover the above fees is enclosed.

The total amount of \$300.00 to cover the \$120 one-month extension of time fee and \$180 IDS fee is to be charged to Deposit Account No. 50-1066.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

By:

Armedeo E. Ferraro
Registration No. 37,129

Date: May 12, 2005

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Transmittal of Amendment DOC